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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,818	03/31/2004	Ninianne Wang	24207-10097	5059

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GOOGLE / FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA ST.
MOUNTAIN VIEW, CA 94041

EXAMINER	
HUNG, YUBIN	
ART UNIT	PAPER NUMBER
2624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/813,818	WANG ET AL.	
	Examiner	Art Unit	
	YUBIN HUNG	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03/07/08*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-8,10-24,26-30,32-44 and 47-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-8,10-24,26-30,32-44 and 47-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment/Arguments

1. This action is in response to amendment filed 03/26/08, which has been entered.

2. Claims 3, 9, 25, 31, 45 and 46 have been canceled and 47-54 added; currently claims 1, 2, 4-8, 10-24, 26-30, 32-44 and 47-54 are still pending.

3. In view of Applicant's amendment, the objection to the specification has been withdrawn.

4. In view of Applicant's amendment, the 35 USC § 101 and 112 rejections have been withdrawn.

5. Applicant's amendments have rendered moot the 35 USC § 102 and 103 rejections. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 4, 5, 11, 12, 14-16, 18-20, 22-24, 26, 27, 33, 34, 36-38, 40-42 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 2002/0107847).

8. Regarding claim 1, and similarly claims 2, 4, 11, 18-20, 22-24, 26, 33, 40-42 and 44, Johnson discloses

- receiving image data associated with an article, the image data identifying a plurality of images within the article; and
  determining a plurality of image data signals for the plurality of images based at least in part on the image data
  [Abstract; Figs. 7 (especially 1826-1838) and 8 (image URL's are considered image data) and paragraphs 33-43. An article with associated image data is received to, among other things, determine image data signal such as JPEG and GIF images associated with the article]
- determining a plurality of image data scores for the plurality of images based at least in part on the plurality of image data signals and the article; and
  selecting an image of the plurality of images as a representative image for the article based at least in part on the plurality of image data scores
  [Paragraph 35, lines 1-15, especially 11-12. Note that the representative image for a document (i.e., article) is selected based on its relative position (considered

a score) in the article. Note further that the relative position for each image is a relation between the image and the article]

9. Regarding claim 5, and similarly claim 27, Johnson further discloses selecting the most prominent image (as reflected by the relative position (considered a score) of image in the article, among other things) [paragraph 35 and per the analysis of claim 1 above].

10. Claims 12, 14-16, 34, 36-38 are similarly analyzed and rejected as per claim 1 above especially per Fig. 8 of Johnson.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 6-8, 10, 13, 17, 21, 28-30, 32, 35, 39 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0107847) as applied to claims 1, 2, 4, 5, 11, 12, 14-16, 18-20, 22-24, 26, 27, 33, 34, 36-38, 40-42 and 44 above.

13. Regarding claim 6, and similarly claim 28, note that Figs. 10 and 12 of Johnson disclose displaying image with context. Additionally, Official Notice is taken that it is well known to display a representative image (the one with the highest score) along with its score and the reason for modifying Johnson to do so would have been to convey to user the confidence in having the image represent the article.

14. Regarding claim 7, and similarly claim 29, note that Johnson further discloses comparing an image score with a threshold to select the representative image [P4, left column, lines 1-7. Note that while the threshold that is expressly disclosed here is applied to the score that is image height, it would have been obvious to one of ordinary skill in the art to apply the thresholding to the score that is the relative position in order to select the most prominent one which, as Johnson indicates in paragraph 35, lines 13-15, gives the greatest clue to the true nature and content of the article]

15. Regarding claim 8, and similarly claims 13, 30 and 35, Official Notice is taken that it is well known to specify (or determine) a default image to be associated with an article and the reason for modifying Johnson to do so would have been to use the image that has being pre-determined as a representative so that the method does not have to rely on an input from the user (to specify how the representative should be selected). See also the analysis of claim 1 above.

16. Claims 10, and similarly claims 32, is similarly analyzed and rejected as per the analyses of claims 5 and 8 above.

17. Regarding claim 17, and similarly claim 39, Official Notice is taken that it is well known in the art to use one of the recited images (such as a no image available icon) as the default and the reason for modifying Johnson to do so would have been to be able to convey to the user the non-existence of any image associated with the article to display.

18. Regarding claim 21, and similarly claim 43, Official Notice is taken that it is well known in the art to include both an article associated with a client and an article associated with the network in the search result and the reason for modifying Johnson to do so would have been to search as wide as possible (i.e., in addition to client only, also search the network) in order to provide both locally available and externally available results.

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19. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0107847) as applied to claims 1, 2, 4, 5, 11, 12, 14-16, 18-20, 22-24, 26, 27, 33, 34, 36-38, 40-42 and 44 above, and further in view of Matsuda et al. (US 2002/0065841).

20. Regarding claim 47, Johnson discloses all limitations of its parent, claim 1 except the following, which is taught by Matsuda:

- wherein the image data score for an image is determined based at least in part on a file name described by an image data signal associated with the image [Fig. 6; Paragraph 53]

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Johnson with the teachings of Matsuda as recited above to obtain the invention as specified in claim 47. The reasons for doing so at least would have been because file type indicate the relative importance of the file, as Matsuda indicates in paragraph 50, especially lines 1-2.

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21. Claims 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0107847) as applied to claims 1, 2, 4, 5, 11, 12, 14-16, 18-20, 22-24, 26, 27, 33, 34, 36-38, 40-42 and 44 above, and further in view of Wynblatt et al. ("Web Page Caricatures: Multimedia Summaries for WWW Documents," Proc. IEEE Int'l Conf. Multimedia Computing and Systems, 22 June-1 July 1998, pp. 194-199).

22. Regarding claims 48-51, Johnson discloses all limitations of their parent, claim 1 and Wynblatt further teaches using file size (Claim 48), frequency (Claims 48 & 49) and aspect ratio (Claim 51) in determining scores [Sect. 2.4, especially Table 2].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Johnson with the teachings of Wynblatt as recited above to obtain the invention as specified in claims 48-51. The reasons for doing so at least would have been because each feature in Table 2 indicates the relevancy of the image, as Wynblatt indicates in the 3rd paragraph of Sect. 2.4.

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23. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0107847) as applied to claims 1, 2, 4, 5, 11, 12, 14-16, 18-20, 22-24, 26, 27, 33, 34, 36-38, 40-42 and 44 above, and further in view of Toyama (US 6,816,847).

24. Regarding claim 52, Johnson discloses all limitations of their parent, claim 1 and Toyama further teaches using color distribution in determining scores [Fig. 3, ref. 302; Col. 1, line 57-Col. 2, line 4; Col. 7, lines 8-19].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Johnson with the teachings of Toyama as recited above to obtain the invention as specified in claim 52. The reasons for doing so at least would have been because of the correlation of color distribution with aesthetics, as Toyama indicates in Col. 1, lines 57-64.

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25. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0107847) as applied to claims 1, 2, 4, 5, 11, 12, 14-16, 18-20, 22-24, 26, 27, 33, 34, 36-38, 40-42 and 44 above, and further in view of Miyazaki et al. (US 6,380,983).

26. Regarding claim 53, Johnson discloses all limitations of their parent, claim 1 and Miyazaki discloses using a number of colors in determining the score [Col. 13, lines 38-50].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Johnson with the teachings of Miyazaki as recited above to obtain the invention as specified in claim 53. The reasons for doing so at least would have been because of the correlation of the number of colors with the image quality, as Miyazaki indicates in Col. 13, lines 37-39.

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27. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0107847) as applied to claims 1, 2, 4, 5, 11, 12, 14-16, 18-20, 22-24, 26, 27, 33, 34, 36-38, 40-42 and 44 above, and further in view of Zernik et al. (US 2002/0038299).

28. Regarding claim 54, Johnson discloses all limitations of their parent, claim 1 and Zernik further discloses using an image caption in determining the score [Fig. 5; Paragraphs 45-59, especially 45 and 55].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Johnson with the teachings of Zernik as recited above to obtain the invention as specified in claim 54. The reasons for doing so at least would have been because a caption can indicate the suitability of its associated image in representing the content of the page (a document), as Zernik indicates in line 1-6 on the right column of page 5].

Conclusion and Contact Information

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

30. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUBIN HUNG whose telephone number is (571)272-7451. The examiner can normally be reached on 7:30 - 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C. Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yubin Hung
Primary Examiner
Art Unit 2624

/Yubin Hung/
Primary Examiner, Art Unit 2624

June 8, 2008